

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:10-cv-210**

ELI LILLY AND COMPANY and ICOS)
Corporation,)
)
)
Plaintiffs,)
)
)
v.)
)
)
)
)
SYNTHON PHARMACEUTICALS, INC.,)
)
)
Defendant.)
)
)
)
)
)

NOTICE OF DISMISSAL

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs ELI LILLY AND COMPANY and ICOS Corporation, through counsel, voluntarily dismiss without prejudice all claims against Defendant SYNTHON PHARMACEUTICALS, INC. in the above-captioned litigation.

This the 12th day of October, 2010.

/s/ J. Donald Cowan, Jr.

J. Donald Cowan, Jr.
N.C. State Bar No. 0968
don.cowan@elliswinters.com
Dixie T. Wells
N.C. State Bar No. 26816
dixie.wells@elliswinters.com
Ellis & Winters LLP

333 N. Greene St.
Suite 200
Greensboro, NC 27401
Telephone: (336) 217-4086
Fax (336) 217-4198

Kevin M. Flowers, Ph.D.
Matthew C. Nielsen
Mark H. Izraelewicz
Cullen N. Pendleton, Ph.D.
Marshall, Gerstein & Borun LLP
233 South Wacker Drive
6300 Sears Tower
Chicago, IL 60606-6357
(312) 474-6300

*Attorneys for Plaintiffs Eli Lilly and Company and
ICOS Corporation*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel for Synthon Pharmaceuticals, Inc. was served by the ECF system and by depositing a copy of the foregoing Notice with the United States Postal Service, first-class postage paid, addressed to the following counsel:

Robert J. Morris
SMITH, ANDERSON, BLOUNT, DORSETT, MITCHELL &
JERNIGAN, LLP
2500 Wachovia Capitol Center
Post Office Box 2611
Raleigh, North Carolina 27602-2611

Mark A. Ash
5024 Richland Drive
Raleigh, North Carolina 27612
Telephone: (919) 788-8901

E. Anthony Figg
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K Street, N.W., Suite 800
Washington, D.C. 20005

This the 12th day of October, 2010.

/s/ J. Donald Cowan, Jr.
J. Donald Cowan, Jr.
N.C. State Bar No. 0968
don.cowan@elliswinters.com
Ellis & Winters LLP
333 N. Greene St., Suite 200
Greensboro, NC 27401
Telephone: (336) 217-4086
Fax (336) 217-4198

*Attorney for Plaintiffs Eli Lilly and Company and
ICOS Corporation*